


WILLIAM MOALEM,	)	
	)	No. C 06-05594 JW (PR)
Petitioner,	)	
	)	ORDER OF TRANSFER
vs.	)	
	)	
TOM CAREY, Warden,	)	
	)	
Respondent.	)	

A second or successive petition may not be filed in the district court unless the petitioner first obtains from the United States Court of Appeals an order

1 authorizing the district court to consider the petition. See 28 U.S.C. §  
2 2244(b)(3)(A). It appears that petitioner did seek such an order from the United  
3 States Court of Appeals for the Ninth Circuit as a “motion for an order authorizing  
4 the district court to consider this petition,” filed as case number 05-80138. The  
5 Ninth Circuit transferred the petition to this Court under Fed. R. App. P.22(a).  
6 Unfortunately for petitioner, the transfer is not the equivalent of an authorization for  
7 petitioner to file a second or successive petition under 28 U.S.C. § 2244(b)(3)(A).  
8 Accordingly, in the interests of justice, the case is TRANSFERRED to the Ninth  
9 Circuit for review pursuant to 28 U.S.C. § 2244(b)(3)(A).

10 The clerk shall terminate all pending motions as moot and close the file.

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13 DATED: May 18, 2007

  
14 JAMES WARE  
United States District Judge